

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

473P0193

HOUSE BILL NO. 1191

Introduced by: Representatives Rhoden, Brunner, Buckingham, and Van Etten and Senators
McNenny, Lintz, and Napoli

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the display of
2 customized motorcycles at certain events.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-6B-5 be amended to read as follows:

5 32-6B-5. The following persons are exempt from the provisions of this chapter:

- 6 (1) Any employee of any person licensed as a vehicle dealer if engaged in the specific
7 performance of the employee's duties;
- 8 (2) Any financial institution chartered or licensed in any other jurisdiction that acquires
9 vehicles as an incident to its regular business and sells such vehicles to dealers
10 licensed under this chapter;
- 11 (3) Any nonprofit automobile club if selling automobiles twenty years old or older under
12 the provisions of chapter 32-3;
- 13 (4) Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a
14 licensed dealer or a person who is exempt from the provisions of this chapter;
- 15 (5) Any person engaged in the business of manufacturing or converting new vehicles if



1 selling such vehicles to a licensed dealer holding a franchise from the original
2 manufacturer of the vehicle;

3 (6) Any person engaged in the business of manufacturing or customizing motor vehicles
4 may display but may not sell any motor vehicle at an event, if the event lasts three or
5 more days and if the person registers with and purchases a permit from the
6 Department of Revenue and Regulation at least five days before the event. The
7 person shall pay a fee of one hundred fifty dollars for a ten-day temporary permit.
8 However, if the permit is purchased at least five days before the event, the person
9 shall pay a fee of one hundred dollars for the ~~ten-day~~ temporary permit. This
10 subdivision does not apply to any customized motorcycle being built for and
11 displayed during a sponsored event where the participants had to qualify through
12 competition. A permit is required if any customized motorcycle is being displayed
13 outside the sponsored event;

14 (7) Any person engaged in the business of manufacturing trailers may display but may
15 not sell any trailers at an event, if the event lasts three or more days and if the person
16 registers with and purchases a permit from the Department of Revenue and
17 Regulation at least five days before the event. The person shall pay a fee of seventy-
18 five dollars for a ten-day temporary permit. However, if the permit is purchased at
19 least five days before the event, the person shall pay a fee of fifty dollars for the ~~ten-~~
20 ~~day~~ temporary permit;

21 (8) Any person may sell motorcycles at an event, if the event lasts three or more days and
22 if the person registers and purchases a permit from the Department of Revenue and
23 Regulation at least five days before the event. Before issuance of a permit, the
24 applicant ~~must~~ shall provide proof ~~they are the applicant is~~ the applicant is a licensed dealer in ~~their~~

1 ~~the applicant's~~ own state and ~~have~~ has no outstanding dealer violations. The permit
2 ~~will~~ shall only be issued if the new motorcycles being sold are not franchised in this
3 state. The person shall pay a fee of three hundred fifty dollars for a ten-day temporary
4 permit. However, if the permit is purchased at least five days before the event, the
5 person shall pay a fee of two hundred dollars for the ~~ten-day~~ temporary permit;

6 (9) Any person may sell trailers at an event, if the event lasts three or more days and if
7 the person registers and purchases a permit from the Department of Revenue and
8 Regulation at least five days before the event. Before issuance of a permit, the
9 applicant ~~must~~ shall provide proof ~~they are~~ the applicant is a licensed dealer in ~~their~~
10 ~~the applicant's~~ own state and ~~have~~ has no outstanding dealer violations. The permit
11 will only be issued if the trailers being sold are not franchised in this state. The
12 person shall pay a fee of two hundred ~~and~~ twenty-five dollars for a ten-day temporary
13 permit. However, regardless of whether or not there is a franchise in this state, any
14 person may display a trailer at such an event. However, if the permit is purchased at
15 least five days before the event, the person shall pay a fee of one hundred fifty dollars
16 for the ~~ten-day~~ temporary permit;

17 (10) Any person not engaged in the sale of vehicles as a business and is disposing of
18 vehicles used solely for personal use if the vehicles were acquired and used in good
19 faith and not for the purpose of avoiding the provisions of this chapter;

20 (11) Any person not engaged in the sale of vehicles as a business who operates fleets of
21 vehicles and is disposing of vehicles used in the person's business if the same were
22 acquired and used in good faith and not for the purpose of avoiding the provisions
23 of this chapter;

24 (12) Any person who sells less than five vehicles in a twelve-month period, unless the

1 person is licensed as a dealer in another state or holds himself or herself out as being
2 in the business of selling vehicles. However, if the vehicles are travel trailers, any
3 person who sells less than three travel trailers in a twelve-month period;

4 (13) Any public officer while performing the officer's official duties;

5 (14) Any receiver, trustee, administrator, executor, guardian, or other person appointed
6 by or acting under the judgment or order of any court;

7 (15) Any regulated lenders as that term is defined in § 54-3-14, any insurance company
8 authorized to do business in this state, or any financing institution as defined in and
9 licensed pursuant to chapter 54-4 that acquires vehicles as an incident to its regular
10 business;

11 (16) Any towing agency that acquires and sells a vehicle which has been towed at the
12 request of a private landowner under the provision of chapter 32-36 or at the request
13 of a law enforcement officer, if no vehicle is sold for an amount over two hundred
14 dollars;

15 (17) Any vehicle rental and leasing company that sells its used vehicles to dealers licensed
16 under this chapter; and

17 (18) Any South Dakota nonprofit corporation which gives a donated motor vehicle to a
18 needy family or individual.